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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) No. CR 08-00487 JF  
11 )  
Plaintiff, ) STIPULATION AND [PROPOSED]  
12 ) ORDER CONTINUING HEARING  
vs. )  
13 )  
ROBERT ALAN THOMAS, )  
14 )  
Defendant. )  
15 \_\_\_\_\_)

16 **STIPULATION**

17 The parties hereby stipulate and agree that the motions hearing currently set for  
18 Wednesday, May 13, 2009 may be continued to Wednesday, May 27, 2009 at 9:00 a.m. The  
19 reason for the requested continuance is to accommodate defense counsel's absence from the  
20 district during the period in which any reply to the government's anticipated opposition briefing  
21 would otherwise become due.

22 The parties further stipulate and agree that 14 days may be excluded from the time within  
23 which trial shall commence, as reasonable time necessary for effective defense preparation and

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1 due to the pendency of the pretrial motions to dismiss, pursuant to Title 18, United States Code  
2 Section 3161(h)(1)(F), (h)(7)(A) and (h)(7)(B)(iv).

3  
4 Dated: April 16, 2009

5 s/\_\_\_\_\_  
6 MATTHEW J. BUZZELLI  
7 DOJ Trial Attorney, Obscenity Prosecution Task Force

8 Dated: April 15, 2009

9 s/\_\_\_\_\_  
10 CYNTHIA C. LIE  
11 Assistant Federal Public Defender

12 **[PROPOSED] ORDER**

13 Good cause appearing and by stipulation of the parties, it is hereby ordered that the  
14 motions hearing currently scheduled for Wednesday, May 13, 2009 shall be continued to  
15 Wednesday, May 27, 2009 at 9:00 a.m.

16 It is further ordered that 14 days shall be excluded from the time within which trial shall  
17 commence under the Speedy Trial Act, due to the pendency of the pretrial motions to dismiss and  
18 the need for effective defense preparation, taking into account the exercise of due diligence. 18  
19 U.S.C. §3161(h)(1)(F), (h)(7)(A) and (h)(7)(B)(iv).

20 Dated: April 20, 2009

21   
22 JEREMY FOGEL  
23 United States District Judge  
24  
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